

each leg defines a first width adjacent the head and a second width greater than the first width at a location rearwardly of the void area.

18. (Four Times Amended) An artificial bait structure, comprising:

a head having a forward end and a rearward end; and

first and second legs extending rearwardly from the rearward end of the head, wherein each leg defines an inner edge and an outer edge and terminates at a

rearward end, and wherein the outer edge of each leg has a generally convex shape defining a substantially continuous arc between the rearward end of the leg and a location spaced forwardly therefrom, and wherein each leg defines a first width adjacent the head and a second width greater than the first width at a location spaced rearwardly therefrom, and wherein the inner edges of the legs are configured to define a void area [having]

defining an open rearward portion forming a gap between the legs and [having] defining a [substantially smoothly continuous] closed forward end having a concave configuration located rearwardly of the head.

26. (Four Times Amended) An artificial bait structure, comprising:

a head defining a forward end of the artificial bait structure and having a thickness; and

a pair of legs extending rearwardly from the head, wherein the legs are configured such that each leg defines an outer edge located laterally outwardly relative to the head and such that the legs define facing inner edges, wherein the legs have a thickness less than that of the head, and wherein each leg includes a forward portion which defines a first width adjacent the head and a rearward portion which defines a second width greater than the first width, and wherein the forward portions of the legs define mirror image concave inner edges which diverge [continuously and smoothly] outwardly away from each other rearwardly of the head and which converge toward each other forwardly of the leg rearward portions, wherein the concave inner edges cooperate to define an opening between the legs having a concave forward end and an open rearward end.

29. (Three Times Amended) An artificial bait structure, comprising:

a head having a forward end and a rearward end; and

a rear section extending rearwardly from the rearward end of the head, wherein the rear section defines an opening having a closed concave forward end and an

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5 open rearward end, wherein the closed forward end of the opening is defined by a concave
[smooth, continuous] edge, and wherein the rear section defines a pair of legs located on
opposite sides of the opening, wherein each leg defines a forward end and a rearward end
spaced rearwardly from the forward end, wherein each leg, throughout at least a portion of
10 its length rearwardly of its forward end, defines an increasing width in a forward-to-
rearward direction such that at least a portion of each leg located toward the leg rearward
end has a width greater than a portion of each leg located toward the leg forward end,
wherein each leg defines a maximum width location rearwardly of the opening, and
wherein the legs are separated from each other by the opening and the open rearward end
of the opening, and wherein the concave edge defining the closed forward end of the
15 opening defines inner facing edges of the legs.

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32. (Three Times Amended) An artificial bait structure, comprising:
a head having a forward end and a rearward end; and
first and second legs extending rearwardly from the rearward end of the
head, wherein each leg defines a forward end interconnected with the head and a rearward
5 end spaced rearwardly from the forward end, wherein each leg defines an inner edge and
an outer edge, and wherein the inner edge of each leg includes a [smooth and continuous]
D1 concave arcuate outwardly curved portion toward the forward end of each leg [and a linear
portion extending rearwardly from the arcuate portion], wherein the concave arcuate
portions of the inner edges of the legs cooperate to define an opening between the legs
10 toward the leg forward ends, and wherein the opening defines a concave forward end and
an open rearward end which separates the rearward ends of the legs [linear portions of the
leg inner edges face each other and extend between the rearward end of each leg and the
arcuate portion], and wherein the outer edge of each leg defines an arcuate outward
curvature extending rearwardly of the head and terminating toward the leg rearward end[,
15 and wherein the linear portion of each leg inner edge is located forwardly of the
termination of the outer edge of each leg].

REMARKS

In the Office Action, claims 3-5, 16 and 29-38 were rejected under 35 USC
§103(a) as being unpatentable over Freeman et al U.S. Patent 5,524,377. Claims 17, 18

and 26 were rejected under 35 USC §103(a) as being unpatentable over Adam U.S. Patent D131,135 in view of Freeman et al. Claims 6-15 were rejected under 35 USC §103(a) as being unpatentable over Freeman et al in view of Koonz et al U.S. Patent 3,122,853.

The Freeman et al reference shows several lure embodiments having a pair of legs which extend rearwardly from a head. The legs define inner edges which are divergent in a forward-to-rearward direction. At the forward ends of the legs, slits extend outwardly and forwardly to define a triangular, inwardly extending section located rearwardly of the center of the head between the forward ends of the legs.

The Adam reference has been discussed previously, and no further explanation is believed to be necessary.

The claims have been amended in a manner believed to patentably define over the references.

Claim 17 is amended to specify that the inner edge of each leg includes an outwardly curved concave arcuate portion adjacent the rearward end of the head, extending toward the outer edge of the leg. The outwardly curved concave arcuate portions of the leg inner edges are defined as cooperating to define a void area having a concave configuration between the legs rearwardly of the head. Each leg is further specified as defining a first width adjacent the head and a second width greater than the first width at a location spaced rearwardly of the void area.

The Freeman et al reference discloses slits or cuts which extend outwardly from the forward ends of the legs away from each other. The slits or cuts are convex in shape, and form a pointed rearwardly extending area therebetween. In direct contrast, claim 17 specifies that the inner edge of each leg includes an outwardly curved concave arcuate portion, and that the void area between the legs has a concave configuration. The concavity of the void area or opening between the legs enables water to flow through the void area or opening, and the water then interacts with the relatively wide areas of the legs rearwardly of the opening. This combination of features, i.e. a flow-through opening and widened rear areas of the legs, allows the legs to flutter up and down and sideways apart from each other as the lure is drawn through the water.

The combination of Adam with Freeman et al is not seen to show or suggest the subject matter of amended claim 17. The Examiner's position is that Adam shows all

features except the relative widths of the leg portions, which is shown by Freeman et al. However, any combination of Adam with Freeman et al simply yields a lure with outwardly extending slits or cuts at the forward ends of the legs, as disclosed by Freeman et al. The slits or cuts are convex, and leave a convexly curved area therebetween. In direct contrast, claim 17 specifies that the inner edges of the legs are concave adjacent the head at the forward portions of the legs, and that the concave inner edges cooperate to define a void area between the legs having a concave configuration.

For the above reasons, claim 17 is believed to patentably define over the disclosure of Freeman et al. A review of the remaining references of record similarly fails to show or suggest the claimed subject matter, and claim 17 is thus believed allowable.

Claim 18 has also been amended to specify that the inner edges of the legs are configured to define a void area defining an open rearward portion forming a gap between the legs, and defining a closed forward end having a concave configuration located rearwardly of the head. As noted previously, the Freeman et al reference discloses convex edges.

For the same reasons set forth in connection with claims 17, claim 18 is also believed to patentably define over Adam in view of Freeman et al. A review of the remaining references of record similarly fails to show or suggest the claimed subject matter, and accordingly claim 18 is thus believed allowable.

Claim 26 has been amended to specify that the forward portions of the legs define mirror image concave inner edges which diverge outwardly away from each other rearwardly of the head and which converge toward each other forwardly of the rearward portions of the legs. The concave inner edges of the legs are specified as cooperating to define an opening between the legs having a concave forward end and an open rearward end.

For the same reasons as noted in connection with claim 17, claim 26 is also believed to patentably define over Adam in view of Freeman et al. A review of the remaining references of record similarly fails to show or suggest the claimed subject matter, and claim 26 is thus believed allowable.

Claim 29 is also amended to specify that the opening defined by the rear section has a closed concave forward end and an open rearward end. The closed forward

end of the opening is specified as being defined by a concave edge, and a pair of legs are defined as being located on opposite sides of the opening. The legs are defined as being separated from each other by the opening and the open rearward end of the opening. The concave edge defining the closed forward end of the opening is specified as defining the inner facing edges of the legs.

For the same reasons as noted previously, claim 29 is believed to patentably define over the disclosure of Freeman et al. A review of the remaining references of record similarly fails to show or suggest the claimed subject matter, and accordingly claim 29 is believed allowable.

Claims 3-16, 30-31 and 34-38 depend directly or indirectly from claim 29, and are believed allowable for the above reasons as well as in view of the subject matter of each claim.

Claim 32 has been amended along the same lines as claim 29. For the same reasons as noted with respect to claims 17 and 29, claim 32 is also believed to patentably define over the references, and is allowable.


Claim 33 depends from claim 32, and is believed allowable for the above reasons as well as in view of the subject matter of each claim.

Applicant's attorney has made every effort to place the application into condition for allowance with claims 2-18 and 26-38, and such action is earnestly requested.

The Examiner is encouraged to contact the undersigned by phone if questions remain after consideration of this response, or if such would otherwise facilitate prosecution.

Respectfully submitted,

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